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**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

The Minutes

June 25, 2007

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Cantil-Sakauye, Associate Justice; and Haskett, bailiff.

C052660 CARLS et al. v. BLUE LAKE HOUSING AUTHORITY

Cause called. Timothy J. O'Connor argued for appellants. Dawn S. DeMund argued for respondent. Cause submitted.

At 9:59 a.m., the court recessed. At 10:04 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Nicholson, Associate Justice.

**C049851 FEATHER RIVER ANESTHESIA MEDICAL GROUP, INC., et al. v.
COULTER et al.**

**C050832 FEATHER RIVER ANESTHESIA MEDICAL GROUP, INC., et al. v.
THE FREMONT-RIDEOUT MEDICAL GROUP et al.**

Cause called. William R. Warne argued and Michael J. Thomas appeared only for appellants. Eileen R. Ridley argued and Michael A. Naranjo appeared only for respondent Hayes et al. Mark H. Van Brussel argued for respondents Coulter et al. Cause submitted.

At 10:55 a.m., the court recessed. At 11:01 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Hull, Associate Justice.

**C051749 PENSION OBLIGATION BOND COMMITTEE v. ALL PERSONS INTERESTED
IN THE MATTER OF THE VALIDITY OF THE STATE OF CALIFORNIA'S
PENSION OBLIGATION etc.**

Cause called. Jennifer K. Rockwell argued and Christopher E. Krueger appeared only for appellant. Harold E. Johnson argued and John H. Findley appeared only for respondent. Cause submitted.

At 11:29 a.m., the court recessed. At 11:33 a.m., the court reconvened with Blease, Associate Justice; Robie, Associate Justice, and Butz, Associate Justice.

C049619 THE PEOPLE v. ESPINOZA

Cause called. Victor Blumenkrantz, court appointed counsel, argued for appellant. Jeffrey D. Firestone, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:52 a.m., the court recessed. At 2:00 p.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

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C047548 VIVIAN et al. v. CEARLEY, SR., et al.

Cause called. Jennifer A. Gibson argued for appellants. Olumide Kolawole Obayemi argued for respondents. Cause submitted.

C052768 PERFORMANCE PLASTERING et al. v. RICHMOND AMERICAN HOMES OF CALIFORNIA, INC., et al.

Cause called. Suzanne M. Nicholson argued for appellant. Scott S. Thomas argued for respondent. Cause submitted.

At 2:58 p.m., the court recessed. At 3:03 p.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

C050919 JVMCM, INC. v. INTERNET AUTOMOTIVE GROUP et al.

Cause called. Jay-Allen Eisen argued and Steven R. Berandino appeared only for appellants. Jeffrey H. Ochrach argued for respondent. Cause submitted.

At 3:34 p.m., the court recessed until 9:30 a.m., Tuesday, July 17, 2007.

C048487 THE PEOPLE v. PAYTON (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Robie, J.

C050223 THE PEOPLE v. DAWES (Not for Publication)

The judgment is affirmed. The trial court is directed to correct page one of the abstract of judgment to reflect that defendant was sentenced to a two-year concurrent term for the possession of methamphetamine. The court shall forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

NICHOLSON, J.

We Concur: Scotland, P.J.

Raye, J.

C050230 THE PEOPLE v. AUSTIN, JR. (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Morrison, J.

Robie, J.

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- C052224 THE PEOPLE v. TALAMANTES (Not for Publication)**
Defendant's convictions are affirmed, but the judgment is vacated and the matter is remanded for resentencing after consideration by the court of a supplemental probation report.
NICHOLSON, J.
We Concur: Scotland, P.J.
Raye, J.
- C052601 THE PEOPLE v. STEWART (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Raye, J.
- C053080 THE PEOPLE v. SPANGLER (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C053160 THE PEOPLE v. ZAVALA (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.
- C054425 THE PEOPLE v. MADRIGAL (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.
- C051971 In re SIMON J.; THE PEOPLE v. SIMON J. (Not for Publication)**
The order of the juvenile court is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Davis, J.

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- C053753 In re D.M. et al.; SAN JOAQUIN COUNTY HUMAN SERVICES v. E.M.**
(Not for Publication)
The orders of the juvenile court are affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C054367 In re G.F. et al.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v.**
PATRICK F. (Not for Publication)
The orders terminating parental rights are reversed and the matter is
remanded for the limited purpose of compliance with the ICWA notice
provisions...
MORRISON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C050727 THE PEOPLE v. KINEY (CERTIFIED FOR PUBLICATION)**
THE COURT:
The opinion filed herein on May 30, 2007, was certified for partial
publication. The Disposition is modified...
... This modification changes the judgment.
The petition for rehearing is denied.
FOR THE COURT:
SCOTLAND, P.J.
SIMS, J.
MORRISON, J.
- C051741 McADAMS v. MONIER, INC. (CERTIFIED FOR PUBLICATION)**
THE COURT:
It is ordered that the opinion filed herein on May 30, 2007, be modified...
... There is no change in the judgment.
Respondent's petition for rehearing is denied.
FOR THE COURT:
SCOTLAND, P.J.
DAVIS, J.
RAYE, J.

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**C055984 In re ORION W. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. JENNIFER B. et al.**

BY THE COURT:

The court examined the notice of appeal and determined that the order appealed from is nonappealable. Therefore, the appeal filed on June 4, 2007, is dismissed.

BLEASE, Acting P.J.

June 26, 2007

C052037 THE PEOPLE v. RHOADS (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.

C052365 THE PEOPLE v. WILLIAMS (Not for Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Scotland, P.J.
Davis, J.

C053350 THE PEOPLE v. CATO, JR. (Not for Publication)

The judgment is reversed and the matter is remanded to the trial court to grant the motion to suppress consistent with this opinion.

BLEASE, Acting P.J.

We Concur: Hull, J.
Robie, J.

C054403 THE PEOPLE v. RANDOLPH (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Sims, Acting P.J.
Hull, J.

C051571 In re BRANDON H.; THE PEOPLE v. BRANDON H. (Not for Publication)

The order of the juvenile court is affirmed.

MORRISON, J.

We Concur: Nicholson, Acting P.J.
Robie, J.

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June 26, 2007, continued

- C052830 In re JESSE N.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. LINDA N. (Not for Publication)**
The orders terminating dependency jurisdiction and granting visitation are reversed and the matter is remanded to the juvenile court for further proceedings consistent with the views expressed herein.
HULL, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C053491 In re H.D.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. J.C. (Not for Publication)**
The judgment of disposition is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Butz, J.
- C051865 THE PEOPLE v. ABERCROMBIE
BY THE COURT:**
Appellant's petition for rehearing is granted... Oral argument shall be set following the receipt of supplemental briefs.
DAVIS, Acting P.J.

June 27, 2007

- C052182 THE PEOPLE v. STEWART (Not for Publication)**
The judgment of conviction for the second degree burglary is reversed... In all other respects the judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Davis, J.
Raye, J.
- C052691 THE PEOPLE v. BOGAN (Certified for Partial Publication)**
The judgment of conviction is affirmed. The sentence for count one (pimping) is vacated and the case is remanded to the trial court for an appropriate resentencing proceeding on that count.
DAVIS, J.
We Concur: Blease, Acting P.J.
Raye, J.

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| C052790 | THE PEOPLE v. AGUILAR
The judgment is affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
Robie, J. | (Not for Publication) |
| C052859 | THE PEOPLE v. BROWN
The judgment is affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J. | (Not for Publication) |
| C053390 | THE PEOPLE v. KLEY
The judgment is affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J. | (Not for Publication) |
| C053489 | THE PEOPLE v. VASQUEZ
The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.
DAVIS, Acting P.J.
We Concur: Raye, J.
Morrison, J. | (Not for Publication) |
| C053688 | THE PEOPLE v. DOWNS
The judgment is affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J. | (Not for Publication) |
| C053796 | THE PEOPLE v. VANN
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Butz, J. | (Not for Publication) |

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June 28, 2007, continued

- C053402 THE PEOPLE v. SMALLEY III (Not for Publication)**
The judgment is affirmed.
HULL, J.
I concur: Sims, Acting P.J.
I concur in the result:
Butz, J.
- C053649 THE PEOPLE v. MEIER (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C051652 MILLER-LEIGH LLC v. HENSON et al. (CERTIFIED FOR PUBLICATION)**
C052206
The judgment is reversed, and the order on attorney fees is vacated. The parties are to bear their own costs on appeal...
HULL, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.
- C052573 POSEIDON DEVELOPMENT, INC. v. WOODLAND LANE ESTATES, LLC**
C053481
The judgment is dismissal is reversed and the matter is remanded to the trial court with directions... The parties shall bear their own costs on appeal.
HULL, J.
We Concur: Morrison, Acting P.J.
Cantil-Sakauye, J.
- C055418 THE PEOPLE v. GREWAL**
BY THE COURT:
Pursuant to the written request of the appellant, the appeal filed on April 3, 2007, is dismissed. It is further ordered that the remittitur issue forthwith...
SCOTLAND, P.J.

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- C049133 THE PEOPLE v. LOR (Not for Publication)**
The gang enhancement finds are stricken due to lack of evidence and defendant's sentence is modified... The judgment is otherwise affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation at new abstract of judgment.
MORRISON, J.
We Concur: Blease, Acting P.J.
 Robie, J.
- C049736 THE PEOPLE v. JACKSON (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
 Hull, J.
- C050213 THE PEOPLE v. SAETEURN (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
 Robie, J.
- C051498 THE PEOPLE v. TUCKER (Not for Publication)**
The judgment of conviction is affirmed. The protective order is vacated and the matter is remanded to the trial court for reconsideration of the scope of the protective order.
MORRISON, J.
We Concur: Scotland, P.J.
 Robie, J.
- C051877 THE PEOPLE v. STONE (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
 Robie, J.
- C050376 KATIUZHINSKY et al. v. PERRY et al. (CERTIFIED FOR PUBLICATION)**
The judgment is reversed...
BUTZ, J.
We Concur: Scotland, P.J.
 Robie, J.

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June 29, 2007, continued

- C051103 DINGES v. JOHNSON (Not for Publication)**
The judgment is reversed. The trial court is directed to issue a statement of decision in accordance with the requirements of Code of Civil Procedure... No matters beyond those specifically raise on this appeal need be addressed. Each party shall bear their own costs on appeal...
BUTZ, J.
We Concur: Blease, Acting P.J.
 Nicholson, J.
- C051636 DEPARTMENT OF PERSONNEL ADMINISTRATION et al. v. CALIFORNIA
CORRECTIONAL PEACE OFFICERS ASSOCIATION (Certified for Partial Publication)**
The judgment vacating the arbitration award is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
 Cantil-Sakauye, J.
- C051902 PIT RIVER TRIBE v. DONALDSON et al. (Not for Publication)**
The judgment is affirmed. Defendants shall recover their costs on appeal...
BUTZ, J.
We Concur: Scotland, P.J.
 Davis, J.
- C055777 CAMPBELL v. DIRKS, et al.**
BY THE COURT:
Appellant's motion to reconsider the ruling is denied.
SCOTLAND, P.J.